

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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GLORIA PERSONHUBALLAH, an : Civil Action No.  
individual, et al. : 3:13cv678  
vs. :  
JAMES B. ALCORN, et al. : March 9, 2018  
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COMPLETE TRANSCRIPT OF THE CONFERENCE CALL  
BEFORE THE HONORABLE ROBERT E. PAYNE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

Kevin J. Hamilton, Esquire  
Perkins Coie, LLP  
1201 Third Avenue  
Suite 4800  
Seattle, Washington 98101  
Counsel for the plaintiffs

Trevor S. Cox, Esquire  
Matthew McGuire, Esquire  
Hunton Andrews Kurth, LLP  
Riverfront Plaza - East Tower  
951 East Byrd Street  
Richmond, Virginia 23219  
Counsel for the defendants

Peppy Peterson, RPR  
Official Court Reporter  
United States District Court

1 APPEARANCES: (cont'g)

2 Mark R. Lentz, Esquire  
3 Jones Day

4 51 Louisiana Avenue, N.W.  
Washington, D.C. 20001

5 Counsel for the intervenor defendants

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P R O C E E D I N G S

THE COURT: Hello. This is 3:13CV68, Personhuballah v. Alcorn. Beginning with counsel for the plaintiffs, who is here for whom?

MR. HAMILTON: Good morning, Your Honor. Kevin Hamilton from the law firm Perkins Coie on behalf of the plaintiffs.

MR. COX: For the defendants, members of the State Board of Elections in Virginia, you have Trevor Cox and Matthew McGuire.

MR. LENTZ: For the intervenor defendants, you have Mark Lentz with the law firm of Jones Day.

THE COURT: I have before me an order granting intervenors' -- proposed order granting intervenor defendants' motion for release of supersedeas bond, and it says it's consented to. When does the mandate issue in this case? Anybody figured it out? Give your name when you speak, please. It hasn't issued yet, has it?

MR. HAMILTON: Your Honor, this is Kevin Hamilton for the plaintiff. I don't believe the mandate has issued. I haven't seen it. The opinion was published, as I'm sure Your Honor knows, on February 26th.

THE COURT: Right. In your view, does this have to be done before the mandate issues, or is it appropriate to do

1 it before the mandate issues? Have you all talked about that?  
2 Whoever is representing the intervenor defendants, address that  
3 first.

4 MR. LENTZ: Your Honor, Mark Lentz, and we have not  
5 talked about that amongst ourselves. We are fine waiting until  
6 the mandate issues, but also give that consent, but I'm not  
7 sure there's a need to do that.

8 THE COURT: I think the Court has jurisdiction to do  
9 this but I -- I wondered if somebody looked at it. The next  
10 question I have is really are plaintiffs planning to appeal,  
11 Mr. Hamilton, or is this over now?

12 MR. HAMILTON: We're not planning to appeal, Your  
13 Honor.

14 THE COURT: Where do you all think now that we're all  
15 going to go given that that's the situation? Can you all agree  
16 on a judgment order about what goes against the state, what  
17 goes against whoever?

18 MR. HAMILTON: Your Honor, this is, again, Mr.  
19 Hamilton for the plaintiff. The state has already paid the  
20 fees that were awarded, that ran against the state. So that is  
21 already -- there's no need for the judgment. It's already been  
22 paid.

23 THE COURT: Then there was a fight on appeal about  
24 whether -- if you lost against the intervenors, you would have  
25 to get it from the -- get that balance from the state. Is that

1 an issue that's alive anymore, in your view, Mr. Hamilton?

2 MR. HAMILTON: I don't believe so, Your Honor. I  
3 believe the Court of Appeals has addressed that issue and  
4 resolved it.

5 THE COURT: I think so, but I like to make sure what  
6 the views of the parties are. The judges wanted to know. Then  
7 we don't really need to do anything other than recite that the  
8 payments made by the defendant pursuant to the order have been  
9 made, and there will be no appeal, and, therefore, the case is  
10 now dismissed or resolved in accord with the -- judgment will  
11 be entered in accord with the Fourth Circuit's opinion in favor  
12 of the intervenor defendants on this issue. Is that all that  
13 needs to be done?

14 MR. HAMILTON: I think you are correct, Your Honor.  
15 I think that's right.

16 THE COURT: Anybody?

17 MR. COX: Trevor Cox for the defendants. Yes, that's  
18 our understanding, too.

19 MR. LENTZ: Mark Lentz for intervenor defendants.  
20 That sounds right. We have a logistical issue which I believe  
21 we can address with the clerk's office in terms of how the bond  
22 comes back to us, but it has nothing to do with the judgment in  
23 the case.

24 THE COURT: Well, that would -- the predicate for  
25 your doing that is to grant the release of the bond. So why

1 don't we wait for the mandate to issue and then proceed to  
2 implement what you all have told me and grant the motion  
3 releasing the bond, and then the case -- then we'll be  
4 finished.

5 Is that satisfactory with all of you? That's what  
6 we'll do, and I'll advise the other judges that that's your  
7 proposed course of action. If you disagree, say now.  
8 Otherwise, that's how we'll proceed. Hearing nothing, the  
9 motion is adopted. All right, is there anything else that you  
10 all need to take up?

11 MR. COX: Nothing from defendants, Your Honor.  
12 Trevor Cox speaking.

13 THE COURT: I would like to tell you that on behalf  
14 of all the judges at the district court, it was a pleasure to  
15 work with all of you in this case, and thank you for your fine  
16 legal work. Thank you very much, and good hunting on your next  
17 outings.

18 MR. HAMILTON: Your Honor, on behalf of the  
19 plaintiff, thank you for your time and attention to the case.  
20 It was a pleasure to have appeared before you.

21 THE COURT: You all take care, folks. Bye-bye.

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23 (End of proceedings.)  
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Date \_\_\_\_\_